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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 29 AM 10:41  
Magistrate Docket No. 08 MJ 0614  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose ESTRADA-Hernandez,

Defendant

Magistrate Docket No.

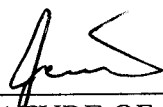
COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **February 27, 2008** within the Southern District of California, defendant, **Jose ESTRADA-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29<sup>th</sup> DAY OF FEBRUARY  
2008

  
Nita L. Stormes  
UNITED STATES MAGISTRATE JUDGE

CEM

**CONTINUATION OF COMPLAINT:****Jose ESTRADA-Hernandez****PROBABLE CAUSE STATEMENT**

On February 27, 2008 Border Patrol Agent M. Rasmussen was performing her duties in the Brown Field Border Patrol Station area of responsibility. At approximately 11:20 A.M. Agent Rasmussen responded to a seismic intrusion device activation in the vicinity of Mother Grundy Truck Trail. This area is approximately 6.3 miles west of the Tecate California Port of Entry and seven miles north of the United States/Mexico international border. Agent Rasmussen maneuvered her vehicle around a curve and observed an individual later identified as the defendant **Jose ESTRADA-Hernandez**, attempting to scramble up a slope and conceal himself in rocks and low brush. Agent Rasmussen approached the defendant and identified herself as a Border Patrol Agent and queried the defendant as to his immigration status. The defendant admitted that he is a citizen of Mexico illegally present in the United States. At 11:30 A.M Agent Rasmussen arrested the defendant and transported him to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 14, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. He also stated his intended destination was Los Angeles, California.